

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
V.)	No.04-10384-PBS
)	
DANIEL KAMEN,)	
Defendant.)	

MOTION REQUESTING THE COURT TO
SCHEDULE A PRETRIAL CONFERENCE

The United States, by United States Attorney Michael J. Sullivan and Assistant United States Attorney Leah Foley, hereby moves this Honorable Court to schedule a pretrial conference in this matter for the purpose of setting a new trial date. In support of this motion, the government states the following:

Retrial in this case was set for April 9, 2008. On March 31, 2008, the Court granted an assented to *Motion to Continue Trial*. The government had filed for a brief continuance because the undersigned Assistant had recently been assigned to the case after the former assigned Assistant left the office, and because the parties were actively attempting to negotiate a plea agreement.

On April 2, 2008, the parties appeared before the Court for the scheduled pretrial hearing. The Court informed the parties that it granted the continuance because of the reasons set forth in the motion and because the Court knew that it was still going to be in trial in another case on April 9, 2008, which would have otherwise necessitated the continuance. The Court instructed the defendant to identify dates in the near future when his expert witness would be available to testify at trial. The Court stated it would wait for the proposed dates from defendant before setting a new trial date.

The government has inquired of defendant numerous times whether his expert has provided him with dates detailing his availability. As of the filing of this motion, defendant has not been successful in securing such dates. The government has recently learned that one of its potential

witnesses is retiring in June 2008. Although he will make himself available for trial post retirement, he is making plans for the remainder of the year and knowing when he will be needed to testify will help ensure his availability.

WHEREFORE, the government respectfully requests that the Court schedule a pretrial conference, at which time a new trial date can be selected.

Respectfully Submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Leah B. Foley
LEAH B. FOLEY
Assistant United States Attorney
617-748-3144

CERTIFICATE OF SERVICE

I, Leah B. Foley, Assistant U.S. Attorney, certify that I caused a copy of the foregoing to be served by electronic notice to Charles Rankin, Esq, 151 Merrimac Street, 2nd floor, Boston, MA 02114-4717.

/s/ Leah Foley
Leah Foley
Assistant U.S. Attorney